

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JESUS RODRIGUEZ, )  
vs. )  
CARL WARREN & COMPANY, et al., )  
Plaintiff, )  
Defendants. )  
)  
Case No. 2:09-cv-01360-PMP-PAL  
**REPORT OF FINDINGS AND  
RECOMMENDATION**

This matter is before the court on Plaintiff's failure to respond to this court's Order to Show Cause (Dkt. #23) entered December 14, 2009. The court makes the following findings:

1. On November 3, 2009, the court entered an Order (Dkt. #19) granting Qumars Behzadi's Motion to Withdraw as Attorney (Dkt. #18). The court directed Plaintiff to either retain new counsel or file a statement he would proceed *pro se* before November 30, 2009.

2. Plaintiff did not comply with this Order (Dkt. #19) or request an extension of time in which to do so.

3. The Order (Dkt. #19) was mailed to Plaintiff, and it was returned to the court as undeliverable. The Clerk of the Court was unable to re-mail it because Plaintiff had not provided the court with his new address.

4. On December 14, 2009, the court entered an Order to Show Cause (Dkt. #23) because Plaintiff had not retained new counsel or filed a statement that he would proceed *pro se*. The court ordered Plaintiff to show cause in writing by December 28, 2009 why sanctions should not be imposed for his failure to comply with the court's Order (Dkt. #19).

5. The court noted in the Order to Show Cause (Dkt. #23) that the Order (Dkt. #19) had been returned as undeliverable. The court advised Plaintiff of his duty to keep the court and the parties

to this litigation apprised of his current address. See Order, Dkt. #19. The court ordered Plaintiff to provide written notification of his new address to the court no later than December 28, 2009. Id.

6. The court warned Plaintiff that “[f]ailure to comply with this order may result in the recommendation to the District Judge that this case be dismissed.” *Id.* at 2:3-4.

7. Plaintiff did not comply with the court's Order to Show Cause (Dkt. #23). He did not show cause in writing, nor did he provide the court with written notification of his new address. He did not request an extension of time in which to comply.

8. Plaintiff's willful failure to comply with the court's Orders (Dkt. ##19, 23) is an abusive litigation practice has interfered with the court's ability to hear this case, delayed litigation, disrupted the court's timely management of its docket, wasted judicial resources, and threatened the integrity of the court's orders and the orderly administration of justice. Sanctions less drastic than dismissal are unavailable because Plaintiff has wilfully refused to comply with multiple court orders.

Under these circumstances,

**IT IS RECOMMENDED** that Plaintiff's Complaint be DISMISSED.

Dated this 16th day of February, 2010.

Peggy A. Leen  
PEGGY A. LEEN  
UNITED STATES MAGISTRATE JUDGE